

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 FORD MOTOR CREDIT CO.,

11 Plaintiff, No. CIV S-04-2344 LKK JFM

12 vs.

13 MICHAEL DAUGHERTY,

14 Defendant. ORDER

15 AND RELATED COUNTERCLAIMS
16 AND THIRD-PARTY CLAIMS.

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18 On February 9, 2006, plaintiff filed a motion to compel discovery. By agreement
19 of the parties, the motion was continued from March 2, 2006 to March 30, 2006 at 11:00 a.m.,
20 and the court approved the agreement by order filed February 27, 2006. The parties were to
21 continue their efforts to resolve the discovery disputes.

22 However, pursuant to the district court's December 5, 2005 order, the discovery
23 motion cut off was extended to March 9, 2006.¹ The district court's prior scheduling order, filed
24 May 12, 2005, admonished the parties that the discovery deadline meant that discovery was to be

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26 ¹ This court does not have authority to revise the district court's scheduling orders.

1 conducted so as to be completed by the discovery deadline. (*Id.* at 4, emphasis in original.) The
2 district court further clarified that “the word ‘completed’ means that all discovery shall have been
3 conducted so that all depositions have been taken and any disputes relative to discovery shall
4 have been resolved by appropriate order if necessary and, where discovery has been ordered, the
5 order has been complied with.” (*Id.* at 4.)

6 Accordingly, the March 30, 2006 hearing is outside the scheduling order and will
7 be vacated from the court’s calendar. Plaintiff’s motion will be denied as untimely.

8 Good cause appearing, IT IS HEREBY ORDERED that:

9 1. The March 30, 2006 hearing is vacated; and
10 2. Plaintiff’s February 9, 2006 motion to compel is denied without prejudice.

11 DATED: March 24, 2006.

12 
13 John F. Marullo
14 UNITED STATES MAGISTRATE JUDGE

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